

20/41/20  
JCS 10/07/02 PRO  
PTO



A/RE

PATENT  
Customer No. 22,852  
Attorney Docket No. 06530.0290

JCS 10/07/02 PRO  
10/07/02 PRO  
02/14/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: )  
Thomas O. BALES et al. ) Prior Group Art Unit: 3736  
Original Patent No.: 6,024,708 ) Prior Examiner: S. Gilbert  
Original Patent Issue Date: February 15, 2000 )  
For: RADIAL JAW BIOPSY FORCEPS )

REISSUE PATENT APPLICATION TRANSMITTAL

Commissioner for Patents and Trademarks  
Box Patent Application  
Washington, D.C. 20231

APPLICATION FOR REISSUE OF:  Utility Patent  Design Patent

Applicants enclose the following documents (where an "X" is in the corresponding box):

1.  Fee Transmittal Form and Fee of \$1940.00
2.  Specification and Claims (amended, if appropriate)
3.  Drawings (proposed amendments, if appropriate)
4.  Reissue Oath/Declaration (37 C.F.R. § 1.175). Applicants submit this Reissue Oath/Declaration signed by one of the inventors, i.e., Thomas O. Bales. In accordance with 37 C.F.R. § 1.53(f), Applicants await a notification from the Patent Office setting the period of time in which to file the Reissue Oath/Declaration signed by the remaining two inventors.
5. Original U.S. Patent

Offer to Surrender Original Patent (37 C.F.R. § 1.178)

or

Ribboned Original Patent

Statement of Inaccessible Original Patent (37 C.F.R. § 1.178)

FINNEGAN  
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6. Original U.S. Patent currently assigned?

Yes, a copy of assignment is enclosed.  No

(If Yes, check applicable boxes)

Written Consent of all Assignees

37 C.F.R. § 3.73(b) Statement  Power of Attorney

7.  Foreign Priority Claim (35 U.S.C. 119)

8.  Information Disclosure Statement (IDS)/PTO 1449

Copies of IDS Citations

9.  English Translation of Reissue Oath/Declaration

10.  Small Entity status is appropriate and applicable to this application.

11.  Preliminary Amendment

12.  Also enclosed is: (1) Terminal Disclaimer submitted on August 9, 1999 for Original Patent No. 6,024,708; and (2) Submission of Document Evidencing Power to Act on Behalf of Assignee.

Applicants submit the Reissue Oath/Declaration signed by one of the inventors, i.e., Thomas O. Bales. In accordance with 37 C.F.R. § 1.53(f), Applicants await a notification from the Patent Office setting the period of time in which to file the Reissue Oath/Declaration signed by the remaining two inventors.

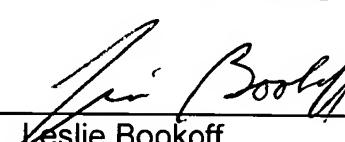
If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By:

  
Leslie Bookoff  
Reg. No. 38,084

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REISSUE APPLICATION FEE TRANSMITTAL FORM

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Claims as Filed, including Preliminary Amendment							
Claims in Patent	For	Number Filed In Reissue Application	(3) Number Extra	Small Entity		Other Than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 32	Total Claims (37 CFR 1.16(j))	(B) 80	*** 48 =			or x\$ 18 =	\$ 864.00
(C) 2	Independent Claims (37 CFR 1.16(i))	(D) 6	* 4 =			or x\$ 84 =	\$ 336.00
Basic Fee (37 CFR 1.16(h))						\$ 740.00	
Total Filing Fee						OR	\$ 1940.00

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

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PATENT  
Attorney Docket No. 6530.0095-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Thomas O. BALES et al. )  
Serial No.: 08/928,453 ) Group Art Unit: 3736  
Filed: September 12, 1997 ) Examiner: Samuel Gilbert  
For: RADIAL JAW BIOPSY FORCEPS )

TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner ("assignee") SYMBIOSIS CORPORATION, duly organized under the laws of the State of Florida and having its principal place of business at 8600 N.W. 41<sup>st</sup> Street, Miami, Florida 33166, through its attorneys, represents that it is the only assignee of the entire right, title and interest in and to the above-identified application, Serial No. 08/928,453, filed September 12, 1997, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6019, Frame 0896 and is and at all times was the only assignee of: application Serial No. 07/837,046, filed February 18, 1992, and its resulting U.S. Patent No. 5,507,296, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the

United States Patent and Trademark Office at Reel 6046, Frame 0556; and application Serial No. 07/521,766, filed May 10, 1990, and its resulting U.S. Patent No. 5,133,727, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6046, Frame 0556. Evidentiary documents have been reviewed and the undersigned certifies, to the best of his knowledge and belief, that title to the above-identified application and the United States Patent Nos. 5,507,296 and 5,133,727 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, SYMBIOSIS CORPORATION hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 08/928,453, which would extend beyond the expiration date of Patent Nos. 5,507,296 and 5,133,727 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 5,507,296 and 5,133,727, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Application No. 08/928,453 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent Nos. 5,507,296 and 5,133,727 as presently shortened by any terminal disclaimer, in the event that either such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

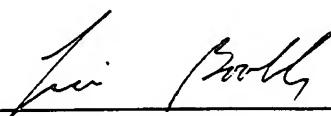
If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this terminal disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee SYMBIOSIS CORPORATION.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

  
Leslie I. Bookoff  
Registration No. 38,084

Date: August 9, 1999